

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**LENZY LOUIS HODGIN**

**PETITIONER**

**v.**

**No. 4:13CV17-MPM-SAA**

**PRESTON GOFF, JR., ET AL.**

**RESPONDENTS**

**CERTIFICATE OF APPEALABILITY**

A notice of appeal has been filed in the above captioned case from either the final order in a *habeas corpus* proceeding in which the detention complained of arises out of process issued by a state court under [28 U.S.C. § 2254](#) or the final order in a proceeding under [28 U.S.C. § 2255](#). The court, considering the record in the case and the requirements of [Fed. R. Civ. P. 22\(b\)](#) and [28 U.S.C. § 2253\(c\)](#), finds that:

**PART A**

☐ The applicant has made a substantial showing of the denial of a constitutional right.

**SPECIFIC ISSUE(S):**

☒ **A certificate of appealability should not issue.**

**REASONS FOR DENIAL:**

For the reasons stated in the opinion, the court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” [Barefoot v. Estelle](#), 463 U.S. 880, 893 n.4, 103 S.Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superceded by statute) (citations and quotations omitted); [28 U.S.C. § 2253\(1\)](#) and (2). Specifically, the court finds, for the reasons set forth in its, memorandum opinion and final judgment, that the instant petition for a writ of *habeas corpus* should be dismissed as untimely

filed.

**PART B (if applicable)**

- ☐ The party appealing is entitled to proceed *in forma pauperis*.
- ☒ The party appealing is not entitled to proceed *in forma pauperis*.

**REASONS FOR DENIAL:**

The Court finds that the Petitioner's appeal is not taken in good faith because it is frivolous and has no possibility of success. See [Fed. R. App. P. 24](#).

**SO ORDERED**, this, the 24th day of October, 2014.

/s/ MICHAEL P. MILLS  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**